

FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
APRIL 10, 2019

CALL TO ORDER
6:00 pm

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11th Street W, Ste. 200, Kalispell, Montana. Board members present were Dean Sirucek, Greg Stevens, Sandra Nogal, Jeff Larsen, Mike Horn, Ron Schlegel, Kevin Lake, Elliot Adams, and Jim Thompson. Donna Valade, Rachel Ezell, Erik Mack, and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were 35 members of the public in attendance.

APPROVAL OF MEETING MINUTES
6:01 pm

Sirucek made a motion, seconded by Nogal, to approve the March 13, 2019 meeting minutes.

Motion passed unanimously on a roll call vote. Lake abstained.

PUBLIC COMMENT
(Public matters that are within the jurisdiction of the Board 2-3-103 M.C.A)
6:01 PM

None

DISCLOSURE OF ANY CONFLICT OF INTERESTS
6:01 PM

None

GEORGIA OTTEN ZONE CHANGE (FZC-19-03)
6:02 PM

A zone change request by Marquardt Surveying, on behalf of Georgia Otten in the Lower Side Zoning District. The proposal would change the zoning on approximately 18.35 acres from SAG-5 (Suburban Agricultural) to R-1 (Suburban Residential). The property is located along Foy's Lake Road (Montana Highway 404) near Kalispell.

STAFF REPORT
6:02 pm

Donna Valade reviewed staff report FZC-19-03 for the board.

**BOARD
QUESTIONS
6:05 PM**

None

**APPLICANT
PRESENTATION
6:05 PM**

Georgia Otten, 151 Roybals Way, was the applicant. She owned two homes within the subdivision which her son had built several years ago. She said it was a nice subdivision and they had a lot of respect for the wildlife in the area. She developed the back area because she wanted to have homes of comparable value to protect their investment.

**AGENCY
COMMENTS
6:07 PM**

There were no public agencies present to comment. The staff had reviewed the written comments during the staff report presentation.

**PUBLIC
COMMENT
6:07 PM**

Paul Roybal, 100 Roybals Way, spoke in favor of the zone change. They had been living there for 22 years. It would be a benefit to them to be able to control the noxious weeds and enhance the quality of the hillside. He said the property bordered his property and his mom's property. It was their decision to go forward with developing this property so they could keep the value and integrity of their homes.

Marty Fregerio, 219 Seqiah Way, was neither in favor nor opposition of the application but had questions as to how many lots would be allowed if the zone change was approved. Staff replied that there would be up to 17 lots. He was concerned about the increase of traffic. He also wondered if each lot would have separate wells or if it would be on a community well. Larsen said they did not have a subdivision proposal in front of them, so they did not now what exactly they were proposing. Stevens said that just because it was zoned R-1 did not mean that they were going to put each lot on 1 acre. If they were going to put high end homes, they might have larger lots. Fregerio felt he needed more information. He was concerned there would be 17 separate wells going in to the aquifer. Larsen explained that, if they did go through with a subdivision, they would have to put in roadways, and it might affect the allowable density.

**STAFF
REBUTTAL/
COMMENTS
6:13 PM**

None

**APPLICANT
REBUTTAL/
COMMENTS
6:13 PM**

None

MAIN MOTION TO ADOPT F.O.F. (FZC-19-03) 6:13 PM	Sirucek made a motion, seconded by Schlegel, to adopt staff FZC-19-03 as findings of fact.
BOARD DISCUSSION 6:13 PM	None
ROLL CALL TO ADOPT F.O.F. (FZC-19-03) 6:13 PM	Motion was passed unanimously on a roll call vote.
MAIN MOTION TO RECOMMEND APPROVAL (FZC-19-03) 6:14 PM	Schlegel made a motion, seconded by Lake, to recommended approval of FZC-19-03 to the Board of County Commissioners.
BOARD DISCUSSION 6:14 PM	Stevens remarked on the comment received from Montana Fish, Wildlife, and Parks Department and said the precedent had already been set by the R-1 and R-2 zoning that was already in the area.
ROLL CALL TO RECOMMEND APPROVAL (FZC-19-03) 6:15 PM	The motion passed unanimously on a roll call vote
ROBERT SPOKLIE ZONE CHANGE (FZC-19-04) 6:15 PM	A zone change request by Sands Surveying, Inc., on behalf of Robert L. Spoklie in the Lower Side Zoning District. The proposal would change the zoning on approximately 160 acres from AG-40 (Agricultural) to AG-20 (Agricultural). The property is located along Soler Run.
STAFF REPORT 6:15 PM	Rachel Ezell reviewed staff report FZC-19-04 for the board.
BOARD QUESTIONS 6:20 PM	None

**APPLICANT
PRESENTATION
6:21 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicant. He said, in regard to the staff report and the access, it was forested lands that they had started clearing and preparing it to make it fire safe. Just after the snow left, they started working on the roads and laying gravel. He said the roads were really well built to begin with but when they were logging, they did not plow out the whole road. He said if you had gone out there after the snow was gone, basically where [no one] drove on the road, the grass had grown up. Since that time, they had run a blade across and essentially, if you pulled a tape across it, it would be at 19'-20' through most of the road. They were still working on the road, including widening out the switchbacks. In addition, Spoklie had gone to the Fire Department and they were willing to annex the property in to the fire district.

**BOARD
QUESTIONS
6:22 PM**

Schlegel asked how many turnouts the applicant planned on putting in. Mulcahy said he was unsure but the applicant had talked about putting in multiple turnouts into the road system. He said you could get two full sized trucks through side by side. It was a pretty decent road, especially after being cleaned up.

Sirucek asked if the lower portion of the road was on someone else's property. He wondered if the applicant had to work with other owners in order to continue road improvement. Mulcahy said the applicant had an agreement with the people that he had sold the property to in order to improve the road. Some of it was also county property.

**AGENCY
COMMENTS
6:24 PM**

There were no agencies present to comment. Written comments were reviewed by staff during the presentation of the staff report.

**PUBLIC
COMMENT
6:25 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-19-04)
6:25 PM**

Sirucek made a motion, seconded by Nogal, to adopt staff FZC-19-04 as findings of fact.

**BOARD
QUESTIONS
6:25 PM**

Stevens wanted to address some of the issues that he found in the staff report. He read a section on page 10 that described a roadway system that "becomes increasingly narrow and less developed". Soler Run was a 13' wide, one lane, and graveled road. Stevens said he drove out there and thought he was on the wrong road based on the description given because he was expecting a 13' wide road going through the woods. What he saw was a 19.5' road and it was a nice road. He thought two logging trucks could pass each other on the road. He felt the staff report really misrepresented the situation. He made some

maps based on his findings when he drove up there and passed them out to the board members. He said he would not vote on a staff report that had that much erroneous information. He explained his findings when he had been up there and the measurements he had taken. He had passed cars on the narrow portion of the road and did not have any problems. He ran in to the applicant while he was up there and they measured the top end of the road. When Stevens was leaving, he measured the bottom [end of the road]. He said it was not a 13', one lane road. He did not want that information going forward to the County Commissioners and wanted to amend some of the findings of facts that it had an affect on. He said he had not seen any soft spots on the road up to the top, even though it was spring break up, therefor it was a solid road with a solid base. He wanted it on the record that what he saw was no more than a 6% grade, maybe 7% in some areas, but subdivision regulations allowed a 12% grade.

He proposed some amendments to the staff report. He did not want it to go forward without the accurate information.

Ezell asked what date it was that he had gone to the site to visit. Steven replied that it was Wednesday [April 03, 2019].

He handed out paperwork to each of the board members and began discussing the amendments he wanted to make in the staff report starting on page 10 under 2.a.

**MOTION TO
AMEND STAFF
REPORT
SECTION 2.A
6:33 PM**

Stevens motioned, seconded by Schlegel, to amend and make the following changes on page 10, 2.a of the staff report to state:

~~The subject property is accessed by a roadway system that becomes increasingly narrower and less developed. Soler Run is a 13-foot wide, one-way gravel road with hairpin turns leading to the property. The subject property is accessed by Soler Run which is a good 19.5 foot two way gravel road to the first half of the property and a 14.5 two way road alongside the second half of the property.~~

**BOARD
DISCUSSION
6:34 PM**

Schlegel said it was difficult for him because he and his late dad had laid this road out and built the road in the mid 1990's. He felt insulted by the staff report because they built good roads and he felt it was an insult to the work they did. He said it was not a 13' road, it was a 20' road with culverts in it. He said that the whole road needed to be measured.

**ROLL CALL TO
AMEND STAFF
REPORT
SECTION 2.A
6:35 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO
AMEND F.O.F #2
6:35 PM**

Stevens motioned, seconded by Nogal, to amend finding of facts #2 to state the following:

Finding #2: The subject property is accessed by Soler Run which is a 19.5 two way gravel road which provides good access to the first half of the property. The road alongside the second half of the property is a 14.5 foot two way road which may limit access to emergency vehicles and evacuation efforts in the event of a wildfire. However, approximately $\frac{3}{4}$ of the property, is thinned and essentially parked out. Logging and thinning is now occurring on the remaining $\frac{1}{4}$. Further access concerns may be mitigated during subdivision review and the property does not contain any flood plain.

**BOARD
DISCUSSION
6:35 PM**

Stevens passed out documents to all the board members then read his proposed amendment of F.O.F #2. He had a problem with some of the terminology. He said the staff report started off referencing a one-way road and then had changed to a one-lane road. He was not saying that the narrow road was a two-lane road, because it wasn't, but it was a two-way road. That is what he had put in there. He continued to read what he had proposed and explained his reasonings behind it.

**ROLL CALL TO
AMEND F.O.F. #2
6:41 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO
AMEND F.O.F. #3
6:41 PM**

Stevens motioned, seconded by Nogal, to amend finding of facts #3 to state the following:

The proposed zoning map amendment may have a negative impact on public health, public safety and general welfare because the property is not current within a fire district, *access to the potential additional two parcels on the southern tracts would necessitate road improvements* ~~access would be from Soler Run which is a single lane gravel road on steep terrain,~~ and impacts to the proposed additional density would only be addressed and mitigated if the property is divided via review under the Subdivision and Platting Act.

**BOARD
DISCUSSION
6:41 PM**

Stevens passed out documents to all the board members that stated his proposed amendment of F.O.F #3. He noted that he was not changing the finding but was editing the inaccurate parts in the staff report.

**ROLL CALL TO
AMEND F.O.F. #3
6:45 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO
AMEND STAFF
REPORT
SECTION C
6:46 PM**

Stevens motioned, seconded by Schlegel, to delete the following sentence from page 12 under section C of the staff report:

~~As previously stated, the subject property is located along Soler Run, a 13-foot wide, single lane gravel road within a 60 foot easement.~~

**BOARD
DISCUSSION
6:46 PM**

Stevens passed out documents to all the board members that showed he proposed to delete the first sentence of the staff report, page 12, section C.

**ROLL CALL TO
AMEND STAFF
REPORT
SECTION C
6:46 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO
AMEND F.O.F. #4
6:47 PM**

Stevens motioned, seconded by Schlegel, to amend finding of fact #4 to read as follows:

The proposed zoning map amendment does not appear to facilitate the adequate provision of transportation because *the road to the two southern parcels is 14.5 feet. However subdivision would require that this be addressed and ongoing road improvement is in process.* ~~the existing one-lane gravel road does not appear adequate to accommodate the change in zoning, and the additional traffic.~~

**BOARD
DISCUSSION
6:49 PM**

None

**ROLL CALL TO
AMEND F.O.F. #4
6:49 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO
AMEND STAFF
REPORT
SECTION 3.B
6:49 PM**

Stevens motioned, seconded by Nogal, to delete the following sentences of staff report page 13, section 3.b:

~~As previously stated, primary access to the property is currently from Soler Run via Daley Lane and North Foys Lake Road. Soler Run is a 13-foot, one-lane gravel road within a 60-foot easement, along steep mountain grades.~~

**BOARD
DISCUSSION
6:49 PM**

Stevens passed out documents to all the board members to show what he proposed to amend and explained. He wanted to strike the first two sentences on page 13 under section 3.b.

Sirucek said that the second part of the sentence was needed. Schlegel

suggested they could put in that Solar Run was a 19.5' wide road. Stevens felt that they had established what the road was and was not sure it was necessary. Larsen said there was already a motion and a second.

Stevens said that he did not see that it was necessary to discuss North Foy's Lake Road and Daily Lane. They were just focusing on Solar Run.

**ROLL CALL TO
AMEND STAFF
REPORT
SECTION 3.B
6:52 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO
AMEND F.O.F. #7
6:53 PM**

Stevens motioned, seconded by Nogal, to amend finding of fact #7 to read as follows:

~~The proposal could have negative effects on motorized because the existing one-lane gravel roads does not appear adequate to accommodate the change in zoning, and the additional traffic. the road to the southern two parcels is 14.5 feet versus 19.5 feet on the road to the north 80 acres.~~

**BOARD
DISCUSSION
6:53 PM**

Schlegel suggested that all of finding #7 be deleted. Stevens wanted to replace it with "road to the southern two parcels is 14.5 feet versus 19.5 feet on the road to the north 80 acres".

Adams pointed out there was one more mention of a one-way gravel road in the staff report.

**ROLL CALL TO
AMEND F.O.F. #7
6:55 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO
AMEND
SECTION 3.B
6:55 PM**

Stevens motioned, seconded by Nogal, to delete the last sentence of the second paragraph in section 3.b:

~~Because Solar Run is a gravel, one-lane road on mountainous terrain, additional traffic may not be appropriate.~~

**BOARD
DISCUSSION
6:56 PM**

Lake questioned if the road department was the one who made the comment. It was clarified that the road department gave a general response.

**ROLL CALL TO
AMEND
SECTION 3.B
6:57 PM**

Motion passed unanimously on a roll call vote.

**ROLL CALL TO
ADOPT F.O.F. AS
AMENDED
(FZC-19-04)
6:58 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-19-04)
6:58 PM**

Schlegel made a motion, seconded by Adams, to recommended approval of FZC-19-04 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:58 PM**

Stevens pointed out that he did not want [the staff report] to go forward with all of the inaccurate information which is why he addressed it the way he did. He did not like doing so. He felt that what they had now was an accurate portrayal of what was going on out at the property.

Schlegel thanked Stevens for addressing the road issues.

Stevens said when he was out there, he spoke with the applicant who had an advantage to improve the road because he had the equipment and materials to do so.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-19-04)
7:00 PM**

The motion passed unanimously on a roll call vote

**NORTHERN
LIGHTS WEST
PH. 3
SUBDIVISION
(FPP-19-02)
7:01 PM**

A request from Big Mountain Development Corp. with technical assistance from Sands Surveying, Inc. and Carver Engineering for preliminary plat approval of Northern Lights West Ph 3, a subdivision proposal to create 7 residential lots on approximately 12.31 acres within the Rural Whitefish Zoning District. The applicant is proposing to connect to community water and sewer. The property is located off Orion Drive, Whitefish, MT and is zoned BMRR (Big Mountain Resort Residential).

**STAFF REPORT
7:02 PM**

Donna Valade reviewed staff report FPP-19-02 for the board.

**BOARD
QUESTIONS
7:05 PM**

Schlegel wondered if the date mishap on the staff report would delay the processing of the application. Valade said it would not as it was only in the staff report and not in any legal public notification.

**APPLICANT
PRESENTATION
7:06 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicant. The applicant was present in the audience. Phase 3 was the last piece of ground in the Northern Lights portion of the mountain. He said they were putting together a development that mirrored what had been developed around it. The lot sizes were similar in size and would be a resort type development. They were not requesting any variances. It complied with zoning.

**BOARD
QUESTIONS
7:07 PM**

None

**AGENCY
COMMENTS
7:08 PM**

No agencies were present to comment. Larsen asked that the written comments be reviewed again and staff did so.

**PUBLIC
COMMENT
7:09 PM**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-19-02)
7:10 PM**

Sirucek made a motion, seconded by Horn, to adopt staff FPP-19-02 as findings of fact.

**BOARD
DISCUSSION
7:10 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-19-02)
7:10 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-19-02)
7:11 PM**

Lake made a motion, seconded by Schlegel, to recommended approval of FPP-19-02 to the Board of County Commissioners.

**BOARD
DISCUSSION
7:11 PM**

Sirucek wanted Mulcahy to take note of the erosion plan. He believed they were going to need some gravel or rock placement instead of what they were proposing in a section of lot C. He explained in depth his reasoning and thought they may want to amend that if they find it an issue after excavation.

Mulcahy said he would pass on the information to the engineer.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-19-02)
7:13 PM**

The motion passed unanimously on a roll call vote

**BOARD TOOK A
BREAK
7:13 PM**

**ROB NESTEN
MAP
AMMENDMENT
(FPMA-19-01)
7:22 PM**

A request by Sands Surveying, Inc., on behalf of Rob R. Nesten for an amendment to the Kalispell City-County Master Plan Year 2010, specifically the Master Plan Map. The proposed amendment would change the land use designation from Suburban Residential/Open Space to High Density Residential on 6.47 acres.

**STAFF REPORT
7:22 PM**

Erik Mack reviewed staff report FPMA-19-01 for the board.

**BOARD
QUESTIONS
7:24 PM**

Larsen wondered what size lots could be put in high density residential. Staff read that high density would allow 8 to 40 units per acre. He pointed out that RA-1 was 26 when you figured in the additional square footage needed. Infrastructure and parking requirements had an additional effect on the allowable outcome.

**APPLICANT
PRESENTATION
7:25 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicant on the proposal. The family had the property for a while. It was primarily in a residential zone. He reviewed the zoning in the area. He said that the applicant would like to build a multi-family building on this property. Mulcahy addressed the maximum density allowed and said that it usually allowed more than you could really implement. He gave an example of properties he had worked on in the past. They were in the early stages to see if this was a viable project.

**BOARD
QUESTIONS
7:28 PM**

Sirucek asked Mulcahy to explain his reasoning behind saying, that multi-family residential would be a better use than single family residential in regards to the nearby mill.

Mulcahy explained they would be able to cluster the buildings further away on the property from the offensive use. The parking could be used as part of the buffer along with the open spaces and vegetation.

Sirucek questioned how it could be best to go from 6 units to 26 (potential) units and how it would be more effective screening area. Mulcahy explained his reasoning using examples of land use plans within the state or nation and where multifamily units were allowed. As an example, he used the apartments located on airport road that were placed there as a buffer between the city airport and the single-family homes. He said typically land use planners got the most complaints from citizens on noise from people who had .5 acres and not from rentals and apartments.

Sirucek clarified that it was not the physical things that Mulcahy was referring to but the people who were going to use this. He clarified that Mulcahy was not talking about physics. Sirucek did not see how there could be more screening and more effective space utilization by tripling the amount of parking and building spacing. He said it was going to have to be proven.

Schlegel said the difference was that they were apartments, not single-family dwellings. Sirucek understood that. His point was that it was a social not a physical thing. Mulcahy said he felt it was both and explained how the site could be designed to address it. He said it was a strategy that was used in almost every jurisdiction across the county.

Larsen asked about the master plan amendment and going from suburban residential to high density. He asked what the smallest zoning allowed in suburban residential was. Mack said it would be R-2. Larsen asked if it was public sewer and water out in that area. Mulcahy said that was correct.

**AGENCY
COMMENTS
7:35 PM**

No agencies were present to comment. Written agency comments received were reviewed by staff.

**PUBLIC
COMMENT
7:35 PM**

Jesse Davenport, 119 W. Evergreen, spoke in opposition of the application. He felt it struggled to meet several key objectives of the growth plan and master plan. He was concerned about traffic and pedestrian safety (i.e. kids walking to/from school and people walking along the road). He was concerned about property value decreasing and losing his view. He believed the staff report misrepresented the area as urban and explained that there were open fields and was more rural.

Jody Constenius, 220 Kings Way, spoke in opposition of the application. He said the apartments would look similar the apartments that were already next to the school. He was concerned about the traffic. He was also concerned that

there was no walkway for the kids to go to and from school. He was also concerned about his property value decreasing and taxes increasing. He would not be opposed to single family units but was opposed to this project.

William Schraeder, 424 Kings Way, spoke in opposition of the application. He said there was no infrastructure and was concerned for the kids' safety. He wondered how many units the area needed.

Dan Shreeve, 109 W. Evergreen Dr., spoke in opposition of the application. His property bordered the lot in question. He could just imagine a couple hundred kids in his back yard. When he moved out there he was told that it was going to be R-1 city residential and had no idea there would be apartments. He felt that it was quite a change from R-1 to RA-1. He did not know how it even got this far.

Robert Zable, 437 Kings Way, spoke in opposition of the application. He was concerned for the kids who walked to school and their safety. They did not have a sidewalk or anything to walk on. He felt it was impossible to put a multi-family unit in the area and make it safe for the kids without sidewalks. There were no buses in Evergreen so the kids had to walk to school. He was also concerned about the decreasing of property values.

Pamela Wilson, 432 Kings Way, spoke in opposition of the application. She intentionally bought into the neighborhood because of how it was currently zoned and she did not want to be near apartments. She felt that it was an extreme zone change as there was no similar zoning in the surrounding area. She was also concerned about the fire department being able to take on more because the levy did not pass. She echoed the concerns for safety of the kids when they walk to school. She said the county was struggling to maintain the infrastructure of the roads.

Darlene Haslage, 356 Kings Way, spoke in opposition of the application. She bought her property in 1985 because of how it was zoned. She was concerned about the possible increase of crime with the apartments being there. She was also concerned about the safety of the kids as they travel to school. She did not feel it was right. She said she would not mind if they split the lots in to ½ acres with single residential homes. She also mentioned she was concerned about the traffic safety.

Loren Hams, 314 Kings Way, spoke in opposition of the application. He was concerned with the traffic and the road already being small with no infrastructure. He said he bought in to the area because it was all 1-acre parcels. He was also concerned about taxes and the crime rising.

Janet Beamer, 432 Kings Way, spoke in opposition to the application. She was concerned with the new industrial park going in and the traffic issues the

railroad crossing already caused. She was concerned about the safety of the children. She said that she failed to understand how the apartments would block any sound from the mill.

Renal Lind, 428 Kingsway, spoke in opposition to the application. She was concerned about the impact an additional apartment building would have on the school. She said the school would need to expand and they would need more levies.

Thomas McNulty, 444 Kings Way, spoke in opposition to the application. He was concerned about safety. He had worked in the mill and was concerned about kids getting in to the area and the possible safety issues that would arise.

Janice Mitchell 460 Kings Way, spoke in opposition to the application. Her parents also lived in the area and they disapproved of the application as well. She was in agreement with everything that had been shared previously. She was concerned the road could not accommodate more traffic. She felt that [the zone change] was not appropriate given the rest of the neighborhood there.

Maynard Longtin, 304 Kingsway, said a high-rise was not going to block the noise of a mill. The machinery was to the north and it was the logs south of the machinery that blocked the noise.

Nicole Hilton, 434 Kingsway, spoke in opposition to the application. She was concerned about safety for her children as they travel to and from school. She was also concerned about increase in crime. She said the area was quiet already, even with the mill nearby, and did not think the same value was going to be there with an apartment building nearby.

**APPLICANT
REBUTTAL/
COMMENTS
7:59 PM**

None

**STAFF
REBUTTAL/
COMMENTS
7:59 PM**

Staff mentioned the zoning regulations required 2 parking spaces per each apartment. There was also a building height limitation of 35 feet so you were not going to see "high-rises" out there.

**MAIN MOTION
TO ADOPT F.O.F.
(FPMA-19-01)
8:00 PM**

Schlegel made a motion, seconded by Nogal, to adopt staff FPMA-19-01 as findings of fact.

**BOARD
DISCUSSION
8:00 PM**

Larsen asked if there was only suburban residential and then it went to high density residential after that. Staff said there was an urban residential. Staff explained by using the map. Larsen asked what the density of urban residential was. Staff said something between 2 to 8. Larsen asked if R-3 and R-4 could be done as high density and staff replied yes. He said R-4 duplexes were allowed and he reviewed the allowable density.

Larsen clarified that what [the board] was trying to do now was decide what was an appropriate use for this specific area on the master plan. They would hear the zone change next. Staff said that was correct.

**ROLL CALL TO
ADOPT F.O.F.
(FPMA-19-01)
8:02 PM**

Motion was passed unanimously on a roll call vote.

**BOARD
DISCUSSION
8:02 PM**

Staff explained to the board that because it was a master plan amendment, they had to either motion to approve a resolution or approve a denial of the resolution.

Adams asked for clarification that anything with more density than what it already was, would be considered high density. Larsen said that the applicants were asking for high density but there was one in between that was called urban residential.

**MAIN MOTION
TO
RECOMMEND
THE DENIAL
RESOLUTION
(FPMA-19-01)
8:05 PM**

Stevens made a motion, seconded by Sirucek, to adopt the denial resolution for FPMA-19-01 to the Board of County Commissioners.

**BOARD
DISCUSSION
8:05 PM**

Stevens said the infrastructure was municipal sewer and water and that was the dilemma. In his view, R-1 was not an appropriate designation classification that received municipal sewer and water. On the other hand, areas that could receive sewer and water would require things such as sidewalks, curbs, and gutters. He said high residential in Evergreen, although can be served by sewer and water, was not "served" by W. Evergreen Drive. He was concerned about the safety of high density and the area not being able to support it. Even though he did not think R-1 was a good fit for the area, he wondered if smaller lots would be a better fit without as much of a negative impact. He was concerned about the safety aspect of high density residential in an area that did not have a municipal government to address things like sidewalks. He was concerned about the pedestrian safety along West Evergreen Drive. That was why he motioned for the denial resolution. He did not feel high density was

appropriate.

Sirucek said he had a problem with the safety factor brought up in the discussion. He felt that high density in an area next to an industrial spot was problematic. He could not agree with it and felt that it was out of character of the area.

Adams said that he drove down to the area and felt that Kings Way was not appropriate for that much density. He said that more options for affordable housing was always good but something along the lines of urban residential would be a better fit. He suggested duplexes would be a good option; something with a little more density than the R-1.

Larsen said that was what he was thinking. He was concerned about the high density and concerned about spot zoning. He didn't hear the neighbors were opposed to single residential development. He expressed that maybe urban density would be more appropriate and felt high density did not fit in that area. He was not going to be able to support it.

Schlegel brought up that the board's number one job was to look at public safety and felt it was an unsafe project as it was now.

**ROLL CALL TO
RECOMMEND
DENIAL OF
RESOLUTION
(FPMA-19-01)
8:14 PM**

The motion passed unanimously on a roll call vote

**BOARD TOOK A
BREAK
8:15 PM**

Board took a break while the applicant decided whether or not to go forward with the next application for a zone change or to withdraw the application.

**ROB NESTEN
ZONE CHANGE
(FZC-19-05)
8:23 PM**

A zone change request by Sands Surveying, Inc., on behalf of Rob R. Nesten in the Evergreen Zoning District. The proposal would change the zoning on 6.47 acres from R-1 (Suburban Residential) to RA-1 (Residential Apartment). The property is located an eighth of a mile north of West Evergreen Drive on the east side of Kings Way in Evergreen.

**STAFF REPORT
8:23 PM**

Applicant did decide to withdraw the application; therefore, it was not heard.

**HOMES OF A
THOUSAND**

A request from Homes on a Thousand Hills, LLC with technical assistance from Dawn Marquardt, Inc. for preliminary plat approval of 'Homes on a

**HILLS
SUBDIVISION
(FPP-19-03)
8:23 PM**

Thousand Hills', a subdivision proposal to create 10 residential lots on approximately 213.2 acres within the West Valley Zoning District. The applicant is proposing individual wells and septic systems and access would be from a new internal subdivision road via Farm-to-Market Road. The property is located near the SW corner of Church Drive and Farm-to-Market Road and is zoned West Valley.

**STAFF REPORT
8:23 PM**

Erik Mack reviewed staff report FPP-19-03 for the board.

**BOARD
QUESTIONS
8:25 pm**

Larsen wondered if they needed to get an approach permit from MDT.

Schlegel said that they could still get an approach permit from the county for the lot at the top of the map (which they referenced on the overhead).

It was decided they could get one from both the county and MDT if needed.

**APPLICANT
PRESENTATION
8:26 pm**

Molly Schwarz, 3248 Farm to Market Rd., lived on the property. They raised cattle and farmed hay. They were now looking to divide it in to 20 acre lots. The one request that they had was that Condition 19 be removed. They wanted to maintain the agricultural nature of the lots. The fencing height would be difficult with the cattle or horses. She said the rest of the conditions looked ok.

**BOARD
QUESTIONS
8:27 pm**

Larsen asked if she had a problem with the bear language in the report. She said they were ok with it.

**AGENCY
COMMENTS
8:28 pm**

No agencies were present to comment. Written agency comments received were reviewed by staff.

**PUBLIC
COMMENT
8:28 pm**

David Lessor, 1978 Church Drive, was concerned about kids coming across to his property and standing in the middle of his cows. He asked that there be a fence to keep the people off his land so that he didn't have to worry about his cows and bulls. He has had kids do that previously when the houses were first built in the area. He was also concerned about the impact that people spraying nearby fields would have on his own and also the impact on wildlife in the area.

**STAFF
REBUTTAL/**

None

COMMENTS

8:30 pm

**APPLICANT
REBUTTAL/
COMMENTS**

8:30 PM

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-19-03)**

8:30 PM

Nogal made a motion, seconded by Sirucek, to adopt staff FPP-19-03 as findings of fact.

**BOARD
DISCUSSION**

8:31 PM

Lake asked if they could add a condition for a fence. Larsen said it was not in their subdivision regulations and they could not impose that. He asked that [the applicants] worked with their neighbors. Horn said that whether there were houses or just fields, they would still want a fence in between the properties

**ROLL CALL TO
ADOPT F.O.F.
(FPP-19-03)**

8:33 PM

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-19-03)**

8:34 PM

Sirucek made a motion, seconded by Nogal, to recommended approval of FPP-19-03 to the Board of County Commissioners.

**BOARD
DISCUSSION**

8:34 PM

Staff and board discussed terminology used to amend the condition regarding the approach permits needed.

**MOTION TO
AMEND
CONDITION #20**

8:35 PM

Schlegel motioned, seconded by Sirucek, to amend condition #20 to state the following:

The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department *and MDT* for the approach of the internal subdivision road indicating the approach has been built and received final inspection and final approval *if required*.
[Section 4.7.16, FCSR and FOF 4]

BOARD

None

DISCUSSION
8:35 PM

**ROLL CALL TO
AMEND
CONDITION #20**
8:35 PM

The motion passed unanimously on a roll call vote

**BOARD
DISCUSSION**
8:36 PM

Stevens mentioned that the applicants could consider a chain-linked fence against the cow pasture to keep the dogs separated from the cows. It was not a requirement that they could force but it was a suggestion that the covenants might be able to help keep a separation of the properties.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-19-03)**
8:36 PM

The motion passed unanimously on a roll call vote

**BEAR TRACK
SUBDIVISION
(FPP-19-01)**
8:37 PM

A request from Gregory A. Speasl, with technical assistance from TD&H Engineering for preliminary plat approval of Bear Track Subdivision, a proposal to create 3 residential lots on approximately 20.46 acres. The subdivision will be served by individual wells and septic systems and access would be from Kuzmic Lane. The property is located at 470 Kuzmic Lane, approximately three-quarters of a mile east of Old Highway 2 in Coram, MT.

STAFF REPORT
8:37 PM

Erik Mack reviewed staff report FPP-19-01 for the board.

**BOARD
QUESTIONS**
8:40 PM

Larsen mentioned that the staff had done a good job in their interpretation of the access. It had taken him quite a bit of digging for [Larsen] to figure out that they could do it that way. He said he had learned something. He said they had to dig in to three different parts of the subdivision regulations to figure it out and he felt it was a good little exercise.

Nogal mentioned that there had been a public comment received from a neighbor. She felt it was more informational on their part and didn't seem to be raising any objections.

Nogal asked if they were zoned for vacation rentals out there. Mack said that they were not zoned for anything out there.

**APPLICANT
PRESENTATION**

Doug Peppmeier with TD&H Engineering, 450 Corporate Dr., represented the applicant. They said that they did not have any concerns with the conditions

8:37 PM

and or the Findings of Fact. They did request a variance and explained their reasoning. They were looking to keep the neighborhood feeling the same. They offered to enter into a road dust control plan.

**BOARD
QUESTIONS
8:43 PM**

Larsen said that the dust control was a volunteer program and he wondered if there was any way that they could lock them in to it. Peppmeier said it was a completely voluntary program.

Schlegel asked if there was a road association. Peppmeier said that the way he understood it was that you applied for the program, then they determined how much road was in, and they established a price based on how much road [then he trailed off and was inaudible.].

**AGENCY
COMMENTS
8:44 PM**

No agencies were present to comment. Written agency comments received were reviewed by staff.

**PUBLIC
COMMENT
8:44 PM**

Brian Hooker, 346 Kuzmic Lane, asked if adequate consideration had been given to protect the pond (on his property) with the new septic systems going in that will be uphill from where his pond was.

Larsen said that they would have to meet DEQ regulations to make sure that it would not hurt the pond. He said they could be rest assured it would be addressed.

Schlegel also suggested that if there was any dirt work being done close to it, they could get ahold of DEQ to address it.

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-19-01)
8:46 PM**

Sirucek made a motion, seconded by Schlegel, to adopt staff report FPP-19-01 as findings of fact.

**BOARD
DISCUSSION
8:46 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FPP-19-01)
8:46 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND**

Schlegel made a motion, seconded by Lake, to recommended approval FPP-19-01 to the Board of County Commissioners.

APPROVAL
(FPP-19-01)
8:47 PM

BOARD
DISCUSSION
8:47 PM

Adams questioned what bear protective garbage cans entailed. It was explained.

Larsen wondered if there was any way to require the dust sharing. Mussman said if they could tie it to a specific finding, they probably could. He felt that mandating involvement in a voluntary program may be problematic.

ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-19-01)
8:50 PM

The motion passed unanimously on a roll call vote

OLD BUSINESS
8:50 PM

Regulation books had been updated and handed out.

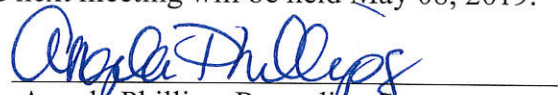
NEW BUSINESS
8:51 PM

Mussman and the board discussed at great length how to address perceived insufficiencies in the staff reports.

ADJOURMENT
9:13 PM

The meeting was adjourned on a motion by Nogal and Larsen at approximately 9:13 p.m. The next meeting will be held May 08, 2019.


Jeff Larsen, Chairman


Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 4 / 11 / 19